

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA

V.

SAMUEL MONTRONDE,

Defendant.

Criminal No.
23-10079-FDS-2

ORDER ON GOVERNMENT'S PETROZZIELLO FILING

SAYLOR, C.J.

Prior to trial, the government moved to provisionally admit statements of defendant’s co-conspirator under Federal Rule of Evidence 801(d)(2)(E), subject to a *Petrozziello* ruling—that is, “‘subject to a later finding by the [C]ourt, supported by extrinsic evidence (other than the statements themselves),’ sufficient to show the conspiracy and the speaker’s involvement in it.” *United States v. George*, 761 F.3d 43, 54-55 (1st Cir. 2014) (quoting *United States v. Sepulveda-Hernandez*, 752 F.3d 22, 30 n.2 (1st Cir. 2014)); see *United States v. Ciresi*, 697 F.3d 19, 25-26 (1st Cir. 2012).

The Court finds, by a preponderance of the evidence, and considering both the statements themselves and the extrinsic evidence, that the statements in question were made during the course of and in furtherance of a conspiracy in which both the declarant and the defendant were members, and that those statements are therefore admissible.

This finding is made *nunc pro tunc* as of the close of evidence in this case.

So Ordered.

Dated: December 6, 2024

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court